

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED
STATE RECORDS

___ County ___ City X Town ___ Village of Cohocton SEP 14 2018

Local Law No. 2 of the Year 2018

DEPARTMENT OF STATE

A local law to restrict the running at large of cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas, and kiwis, farmed deer, farmed buffalo, fur bearing animals, wool bearing animals, such as alpacas and llamas, milk, eggs and furs.

Be it enacted by the Town Board of the

___ County ___ City X Town ___ Village of Cohocton as follows:

Section 1. Purpose.

The Town Board of the Town of Cohocton recognizes that the failure to properly confine animals such that said animals trespass upon the public highway or on private lands without permission is injurious to the health, safety and welfare of the residents of the Town of Cohocton and motorists.

Section 2. Definitions, as used in this local law, the following terms shall have the following meanings.

A. **Animal** shall mean cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas, and kiwis, farmed deer, farmed buffalo, fur bearing animals, wool bearing animals, such as alpacas and llamas, milk, eggs and furs.

B. **Owner** shall mean any person in title, or claiming or asserting any ownership interest in such animals whether by bill of sale, title, or registration, or any other written or oral declaration.

C. **Possessor** shall mean any persons having such animals under his or her control, whether as owner or agent of the owner.

D. **Person** shall mean corporations, partnerships, unincorporated associations as well as individuals. The use of singular shall include the plural and vice versa and the masculine shall include the feminine.

Section 3. Confinement of Animals.

Every owner or possessor of animals shall keep such animals securely and safely confined to his own lands by adequate fencing or other lawful restraints, and shall not allow such animals to roam unattended on public or private lands or highways.

Section 4. Presumption.

If such animals are found unattended on public or private highways, or are discovered on public or private lands, other than lands owned or leased by the owner and/or possessor of such animals, it shall be presumed that the owner and/or possessor of such animals failed to confine or restrain such animals in a proper manner as specified herein, and the burden of proving proper confinement or restraint shall be on the owner and/or possessor of such animals.

Section 5. Violations/Penalties. Each violation of this local law shall be an offense and punishable as follows:

For the first offense, verbal warning; for a second offense a Certified Letter (Registered Mail) and possible fine not exceeding \$100.00; for a third such offense within five (5) years, a fine not exceeding \$200.00; for any subsequent violations within such five year period, a fine not exceeding \$250.00, or imprisonment not exceeding fifteen (15) days or both. The above stated penalties shall apply for each animal proven to be running at large.

Section 6. Enforcement.

Will be conducted by the Town of Cohocton Code Enforcement Officer and/or any Law Enforcement Officer.

Section 7. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local annexed hereto, designated as Local Law No. 2 of 2018 of the Town of Cohocton, was duly passed by the Town Board on July 17, 2018, in accordance with the applicable provisions of law. (Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20____, and _____ (Name of Legislative Body) was (approved)(not approved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) and was deemed duly adopted on _____, 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20____, and _____ (Name of Legislative Body) was (approved)(not approved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____, 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special) (annual) election held on _____, 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20____, and _____ (Name of Legislative Body) was (approved)(not approved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____, 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20____, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20____, became operative.

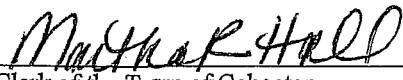
6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to subdivision 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis, or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of the town where such officer is vested with the power to approve or veto local laws or ordinances.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

(Seal)


Clerk of the Town of Cohocton
MARTHA R. HALL

Date: July 18, 2018

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Regulation regarding animals running at large in the Town of Cohocton-Sponsor Town of Cohocton Town Board			
Name of Action or Project: Local Law #2 of the Year 2018			
Project Location (describe, and attach a location map): Town of Cohocton			
Brief Description of Proposed Action: A local law to restrict the running at large of cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas, and kiwis, farmed deer, farmed buffalo, bearing animals, wool bearing animals, such as alpacas and llamas, milk, eggs and furs.			
Name of Applicant or Sponsor: Cohocton Town Board c/o Cheryl Deussenbery, Deputy Supervisor		Telephone: 585-534-5100 E-Mail: townofcohocton@aol.com	
Address: 19 Main Street.			
City/PO: Atlanta		State: NY	Zip Code: 14572
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			YES <input type="checkbox"/>
b. Total acreage to be physically disturbed? _____ acres			YES <input type="checkbox"/>
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			YES <input type="checkbox"/>
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input type="checkbox"/>	YES <input type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Cheryl Deussenberg Deputy Sup</u> Date: <u>6-10-18</u></p> <p>Signature: <u>Cheryl Deussenberg</u></p>		